

Client No.: 4925-84RCE

U.S. Pat. App. Ser. No. 09/800,772  
Amendment filed April 30, 2004  
Reply to Office Action dated January 30, 2004

### REMARKS

The Office Action mailed January 30, 2004 has been reviewed and carefully considered. In the present application, Claims 1-29, 31-64 will be pending, with Claims 1, 12, 19, 24, and 46 in independent form. In the present amendment, Claims 1, 12, 19, 24, 41, 42, 44, 47, 50, 52-54, 56-58, 60, 61, 63, and 64 have been amended, as will be described below. No new matter has been added. Reconsideration and withdrawal of the rejections are requested on the basis of the foregoing amendments and the following remarks.

In the Office Action dated January 30, 2004, the Examiner rejected all pending claims (and Claim 30, which had been cancelled in the Preliminary Amendment dated June 10, 2003) under 35 U.S.C. §103 as obvious over *Bennett et al.* (U.S. Pat. App. Pub. 2002/0112014) in view of *Kotzin et al.* (U.S. Pat. 6,470,180) and *Jamtgaard et al.* (US 6,430,624). In response, independent Claims 1, 12, 19, and 24 have been amended to clarify the nature the invention claimed therein. Specifically, the claims have been amended to remove the "game platform" in order that these claims now recite that: (i) the game is played between the wireless terminal and at least one other terminal, (ii) the game program is executable on the wireless terminal, and (iii) the game-related predefined message is transmitted from the wireless terminal to the at least one other terminal. These amendments contain no new matter and are supported by at least the text on lines 4-9 on page 14 and from line 22 on page 19 to line 4 on page 22 in the originally filed specification. Dependent Claims 41, 42, 44, 50, 52-54, 56-58, 60, 61, 63, and 64 were amended to correspond to the amended language of independent Claims 1, 12, 19, and 24.

Amended independent Claims 1, 12, 19, and 24 recite a gaming system and method in which wireless terminals transmit predefined game-related messages directly to other terminals, where the messages are modified according to the receiving terminal's capabilities. At least because *Bennet*, *Kotzin*, *Jamtgaard*, and any combination thereof neither teaches nor suggests those limitations, independent Claims 1, 12, 19, and 24 are patentable over *Bennet*, *Kotzin*, *Jamtgaard*, and any combination thereof. Withdrawal of their rejection is respectfully requested.

Furthermore, at least because Claims 2-11, 13-18, 20-23, 25-29, 30-45, and 50-64 depend from independent Claims 1, 12, 19, and 24, Claims 2-11, 13-18, 20-23, 25-29, 30-45, and 50-64 are

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also patentable over *Bennet, Kotzin, Jamtgaard*, and any combination thereof. Withdrawal of their rejection is respectfully requested.

Regarding the Examiner's two page rejection of all 63 pending claims, it is nearly impossible to respond, because the Examiner has (a) not specified how any particular element in any of independent Claims 1, 12, 19, 24, and 45 are taught or suggested by the combination of *Bennet, Kotzin, and Jamtgaard*; and (b) not provided a motivation for combining these references. Regarding (b), the terse and enigmatic sentence "[w]ith respect to the motivation to combine the references see above" appears on page 3 of the Office Action, but it is impossible to determine what material "above" that sentence provides the motivation, except perhaps the frequent use of the word "analogous" to describe the different systems. Because the Examiner has not provided a motivation to combine these references, the Examiner has not made a *prima facie* case of obviousness under §103.

Regarding (a), it is impossible to tell why the Examiner believes certain elements in independent Claims 1, 12, 19, 24, and 45 are taught by the combination of *Bennet, Kotzin, Jamtgaard*. As one example, independent Claim 19 recites the step of "scanning game-related events to identify conditions matching any of the at least one predefined game-related criteria". There is nothing in the Examiner's two page rejection which explains how this specific limitation is either taught or suggested by the combination of *Bennet, Kotzin, and Jamtgaard*. As another example, independent Claim 24 recites a "game program operative on the processor of the wireless terminal comprising: means for maintaining ... a database identifying at least one set of predefined message available to send to at least one other terminal; means for providing at least one game-related predefined message based on a state of the game ...; and means for interacting, by the user, with the at least one game-related predefined message". Once again, there is nothing in the Examiner's rejection which explains how this specific limitation is either taught or suggested by the combination of *Bennet, Kotzin, and Jamtgaard*.

As a final example of the complete lack of an element-by-element obviousness analysis of the independent claims, consider independent Claim 46. Independent Claim 46 is a lengthy claim, spanning about a whole page, and comprises six elements and two wherein clauses. One element, the "game platform", comprises two components: a "means for the user to log in to the game

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platform so that the user becomes a player in the game" and "a player database containing each player logged in to the game platform, wherein each record comprises the destination address of the logged in player and the output capacity of the terminal of the logged in player". There is nothing in the Examiner's rejection which explains how this specific limitation is either taught or suggested by the combination of *Bennet*, *Kotzin*, and *Jamtgaard*.

Independent Claim 46 has not been amended, at least for the reason that no *prima facie* case of §103 obviousness has been brought against it. Withdrawal of its rejection, as well as the rejection of Claims 47-49 depending therefrom, is respectfully requested.

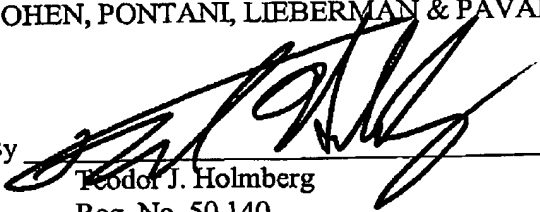
It should be noted that, after the present Amendment, unamended independent Claim 46 still recites a gaming system with a **centralized** game platform, while amended independent Claims 1, 12, 19, and 24 recite a gaming system in which the wireless terminal communicates **directly** with other terminal. Because of this, it is expected that, if rejections are made in the next Office Action, any rejection of independent Claim 46 would be separate from any rejection of any of independent Claims 1, 12, 19, and 24.

At least on the basis of the foregoing, allowance of all pending claims is respectfully requested.

Respectfully submitted,

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April 30, 2004